

(REV 10/01)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S PCT NUMBER  
HSS-021XXTRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 36 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/869,638

09/869638

INTERNATIONAL APPLICATION NO.  
PCT/EP00/10833INTERNATIONAL FILING DATE  
03 November 2000PRIORITY DATE CLAIMED  
04 November 1999

TITLE OF INVENTION METHOD FOR THE AUTOMATIC ANALYSIS OF MICROSCOPE IMAGES

APPLICANT(S) FOR DO/EO/US Tim Wilhelm Nattkemper, Helge Ritter, Walter Schubert

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not transmitted by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)).
  - a. ☐ is attached hereto.
  - b. ☐ had been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
PETITION FOR EXTENSION OF TIME, check for \$720.00

Express Mail Number

EV009948517US

U.S. APPLICATION NO. (If known, see 37 CFR 1.53) <b>09/869,638</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP00/10833</b>		ATTORNEY'S DOCKET NUMBER <b>HSS-021XX</b>	
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<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>          Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO <span style="float: right;"><b>\$1,040.00</b></span></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <span style="float: right;"><b>\$890.00</b></span></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;"><b>\$740.00</b></span></p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$710.00</b></span></p> <p>International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) <span style="float: right;"><b>\$100.00</b></span></p> <p style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p>Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;"><b>\$ 130.00</b></span></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:25%;">CLAIMS</th> <th style="width:25%;">NUMBER FILED</th> <th style="width:25%;">NUMBER EXTRA</th> <th style="width:25%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td><b>X \$18.00</b></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td><b>X \$84.00</b></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td><b>+ \$280.00</b></td> </tr> </table> <p style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. <span style="float: right;"><b>\$ 65.00</b></span></p> <p style="text-align: right;"><b>SUBTOTAL =</b> <span style="float: right;"><b>\$ 65.00</b></span></p> <p>Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;"><b>\$</b></span></p> <p style="text-align: right;"><b>TOTAL NATIONAL FEE =</b> <span style="float: right;"><b>\$ 65.00</b></span></p> <p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property <span style="float: right;"><b>\$ 40.00</b></span></p> <p style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b> <span style="float: right;"><b>\$105.00</b></span></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:60%;"><b>02/13/2002 MNGUYEN 00000047 09869638</b></td> <td style="width:40%;"><b>Amount to be</b></td> </tr> <tr> <td><b>01 FC:254 65.00 OP</b></td> <td><b>refunded:</b></td> </tr> <tr> <td></td> <td><b>charged:</b></td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	- 20 =		<b>X \$18.00</b>	Independent claims	- 3 =		<b>X \$84.00</b>	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			<b>+ \$280.00</b>	<b>02/13/2002 MNGUYEN 00000047 09869638</b>	<b>Amount to be</b>	<b>01 FC:254 65.00 OP</b>	<b>refunded:</b>		<b>charged:</b>	<p><b>CALCULATIONS</b> PTO USE ONLY</p>	
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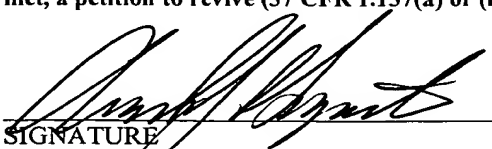
a. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed. A check in the amount of \$ \$40.00 is enclosed for the assignment recordation fee.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0804. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**Customer Number 207**  
 SEND ALL CORRESPONDENCE TO:  
  
 Weingarten, Schurgin, Gagnebin & Lebovici LLP  
 Ten Post Office Square  
 Boston, Massachusetts 02109

  
 SIGNATURE  
  
 NAME: Charles L. Gagnebin III  
 REGISTRATION NUMBER: 25,467  
  
 Date: 2-8-12



UNITED STATES PATENT AND

TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DCKET NO.
09/869638	NATTKEMPER	T HSS-021XX

WEINGARTEN, SCHURGIN, GAGNEBIN  
& HAYES  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

RECEIVED  
AUG 13 2001  
WEINGARTEN, SCHURGIN  
& HAYES

INTERNATIONAL APPLICATION NO.

PCT/EP00/10833

I.A. FILING DATE PRIORITY DATE

03 NOV 00

04 NOV 99

DATE MAILED: 09 AUG 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☒ a Designated Office (37 CFR 1.494) ☐ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application.
  - ☐ Oath or Declaration of inventors(s).
  - ☐ Copy of Article 19 amendments.
  - ☐ Priority Document.
  - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☒ Indication of Small Entity Status.
  - ☒ Translation of the international application into English.
  - ☐ Translation of Article 19 amendments into English.
  - ☐ Other:
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
  - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Winston M. Alvarado  
Telephone: 703-305-6421